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Attorneys for Defendant
NEXENTA SYSTEMS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

REALTIME DATA LLC d/b/a IXO,
Plaintiff,
v.
NEXENTA SYSTEMS, INC.,
Defendant.

Case No. 2:18-cv-0574-EMC

**JOINT MOTION TO DISMISS WITH
PREJUDICE**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Realtime Data LLC and Defendant Nexenta Systems, Inc. (collectively, “the Parties”) jointly move, stipulate, and agree, subject to the Court’s approval that:

(i) this action, including all claims and counterclaims that were or could have been brought in this action, shall be dismissed with prejudice, pursuant to the Settlement and License Agreement of April 2, 2019, whose terms shall remain confidential;

1 (ii) this Court shall retain continuing jurisdiction over the parties and the subject matter to
2 enforce the Settlement and License Agreement; and

3 (iii) each of the Parties shall bear its own costs, expenses and attorneys' fees in this action.
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Dated: April 4, 2019

RUSS AUGUST & KABAT LLP

By: /s/ Paul A. Kroeger
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NIXON PEABODY

Dated: April 4, 2019

By: /s/ Jennifer Hayes
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JENNIFER HAYES

Attorneys for Defendant
NEXENTA SYSTEMS, INC.

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Paul A. Kroeger, attest that concurrence in the filing of this document has been obtained.

Dated: April 4, 2019

Paul A. Kroeger

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2019 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

Paul A. Kroeger
